

Exhibit 31

United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp. et al.

Civil Action No. 07-10248-PBS

Exhibit to the July 24, 2009, Declaration of James J. Fauci
In Support of Plaintiff's Motion for Partial Summary Judgment and
In Opposition to the Roxane Defendants' Motion For Partial Summary Judgment

Edward Tupa

HIGHLY CONFIDENTIAL November 10, 2005
Granby, CO

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DOCKET No. X07CV-03-0083296 S(CLD) | SUPERIOR COURT

STATE OF CONNECTICUT | COMPLEX LITIGATION

| DOCKET at TOLLAND

V. |

DEY, INC., ROXANE LABORATORIES, |

INC., WARRICK PHARMACEUTICALS |

CORP., SCHERING-PLOUGH CORP. and |

SCHERING CORPORATION |

DEPOSITION OF EDWARD TUPA

November 10, 2005

PURSUANT TO NOTICE, the deposition of EDWARD
TUPA was taken on behalf of the Plaintiff at 62927
U.S. Highway 40, Granby, Colorado, on November 10,
2005, at 9 a.m., before Lois Spangler-Frank, a
Registered Merit Reporter and Notary Public within
the State of Colorado.

Henderson Legal Services
(202) 220-4158

Edward Tupa

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A P P E A R A N C E S

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1 of those specialty products to -- mostly home health
2 care, but I'm sure there were other areas.

3 Q And so is it your understanding that Roxane
4 engaged the services of this consultant, Mark Pope,
5 to assist with the marketing strategy for this new
6 market?

7 A It was -- it was primarily to assist in an
8 understanding of the marketplace, which we didn't
9 have, to identify the targets, which we didn't know,
10 and understand how they function, how they buy, who
11 their suppliers are, how they operate.

12 So in that regards, yes, to -- to offer the
13 data or assistance to the company to write its
14 marketing plan.

15 Q Okay. And with respect to this '94 to '98
16 time period, is it your understanding that
17 wholesalers began playing a much larger role in the
18 distribution of Roxane's products?

19 A Yes.

20 Q Who were some of the big players in the
21 wholesale industry at that point in time that Roxane
22 was dealing with?

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1 believe so.

2 Q Do you know when Leslie Paoletti joined the
3 marketing department?

4 A No, I don't.

5 Q Did Leslie join the marketing department after
6 Judy?

7 A I just don't know that.

8 Q And then what was Tom Via's position with
9 Roxane in January of 1997, if you recall?

10 A He was product manager for the branded palette
11 of care products.

12 Q Which would have included Oramorph SR,
13 correct?

14 A It would have, yes.

15 Q Okay. And was his department under your
16 supervision then? The group that he worked for at
17 that time, was it under your supervision as the vice
18 president of marketing and sales?

19 A He would have been within the department that
20 I supervised, managed, yes.

21 Q And I see down at the bottom here -- do you
22 see a CC line?